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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE *60*

Wendy
3/18/03

COMMISSIONER FOR PATENTS
BOX CPA
Washington, D.C. 20231

Prior Application Art Unit: 1645

Prior Application Examiner: M. Navarro

SIR: This is a request for filing a Continued Prosecution Application as a:

Continuation or Divisional application under 37 C.F.R. § 1.53(d) of pending prior nonprovisional Application No. 08/466,698 filed June 6, 1995 for METHOD OF PRODUCING TRANSFORMED SHIGELLA (AS AMENDED) by the following named inventors:

Phillippe SANSONETTI
Annick FONTAINE

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1. Applicants hereby petitions for a five-month extension of time. The filing fee includes the amount of \$1,970.00 to cover the cost of this extension of time.
2. Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 122(b)(2)(B)(i).
3. Please see the accompanying submission regarding the Amendment After Final, filed August 7, 2002, the Second Amendment After Final, filed February 6, 2003, and the Third Amendment After Final, filed February 6, 2003.
4. A Preliminary Amendment is enclosed.
5. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53 (d)(4).
 - a. DELETE the following inventor(s) named in the prior nonprovisional application:

03/07/2003 SDENB0B1 00000095 08466698

01 FC:1006	750.00	OP
02 FC:1202	684.00	OP
03 FB:1203	160.00	OP

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b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

6. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 and 4 above.

Basic Application Filing Fee				\$750	\$ 750.00
	Number of Claims	Basic	Extra Claims		
Total Claims	58	-	20	38 x \$18	684.00
Independent Claims	5	-	3	2 x \$84	168.00
<input checked="" type="checkbox"/> Presentation of Multiple Dep. Claims				+\$280	280.00
Subtotal					\$ 1,882.00
Reduction by 1/2 if small entity					- 0.00
TOTAL APPLICATION FILING FEE					\$ 1,822.00

7. A check in the amount of \$3,852.00 to cover the filing fee, claims fee, and any extension of time fees is enclosed.

8. The Commissioner is hereby authorized to charge any fees including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 06-0916.

9. Small entity status is appropriate and applies to this application.

10. Priority of application Serial No. PCT/EP89/00831 filed on July 14, 1989 and Application No. 88/401842.5 filed on July 15, 1988, filed in the European Patent Office are claimed under 35 U.S.C. § 119. A certified copy
 is enclosed or is on file in the prior application.

11. The prior application is assigned of record to: Institut Pasteur and Institut Nationale de la Sante et de la Recherche Medicale

12. The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F.

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13.

Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, Customer Number 22,852.

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14. Recognize as associate attorney _____

15. Also enclosed is _____

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in parent Application No. 08/466,698, filed June 6, 1995, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 6, 2003

By: 

Kenneth J. Meyers
Reg. No. 25,146

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